

Docket No.: CL-10191  
Application No.: 10/767,066  
Amendment Date: August 4, 2006  
Reply of Office Action of: May 4, 2006

### **REMARKS**

Claims 1-4, 7-11 and 12 are currently pending in the application. Applicants have canceled claims 11 and 13-21, and amended claims 1 and 10. Applicants request reconsideration of the application in light of the following remarks.

#### **Request to Admit the Amendment**

Applicants believe that the foregoing amendment follows the Examiners guidance and complies with the Examiner's requirement of form. Alternatively, Applicants further believe that this amendment presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claims 10 and 11, which the Examiner indicated as being allowable, and places the matter of each of these claims in independent form together with the matter of claim 1 and any intervening claim. The matter added to claims 1 and 10 by the above amendment includes a substantial copy of the substantive portions of claims 1, 9, and 11. Therefore, the amendment raises no new issues. The amendment was not previously presented because claims 10 and 11 were not indicated as allowable in any previous Office actions. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

#### **Objections to Claims**

The Examiner has objected to claims 10 and 11 for depending from rejected base claims. Applicants have amended claim 1 to include the matter of allowable claim 11 and claim 10 to include the matter of claim 1 and intervening claim 9 as suggested by the Examiner, to place the

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allowable matter in independent form including the independent claim and any intervening claim from which the allowable claims depend. Therefore, Applicants respectfully request that the objections to claims 10 and 11 be withdrawn.

#### **Indication of Allowable Subject Matter**

The Examiner indicated the allowability of the scope and subject matter of claims 10 and 11, but objected to the form of the claims, they being dependent upon a rejected base claim. Applicants wish to thank the Examiner for this indication of allowable subject matter. The format of claim 1 has been amended to include the allowable subject matter of claim 11 in claim 1. The format of claim 10 has been amended to include the claims from which claim 10 previously depended. Each of these changes has been made without changing the scope of what was indicated as allowable in claims 11 and 10, respectively. Therefore, claims 1 and 10 are considered to be allowable. Rejected claims 13-21 have been canceled herein in favor of a continuation application which may pursue these and/or other claims further.

#### **Regarding Doctrine of Equivalents**

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

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### CONCLUSION


Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added no new independent claims and no new dependent claims, resulting in no fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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